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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,031	01/02/2002	Bill B. Williams JR.	WI49-001	7077

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/038,031

Applicant(s)

WILLIAMS, BILL B.

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-11, 13-19, 21-35, 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11, 13-19, 21-35, 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 3632

This is an office action for serial number 10/038,031.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 9-11, 13-19, 21-35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker, Jr. et al.

(Baker) 4,723,744 in view of Cramer 2,613,389. Baker discloses a support framework (10) with a camper support surface (52 and 54) and at least three support legs (30) for supporting a camper wherein the support framework is slid underneath the camper with legs(12) and the camper is then lowered onto the camper support surface (52 and 54) of the support framework (10) to support the weight of the camper (see column 4, lines 34ff) whereby the weight of the camper prevents the support framework (10) from moving. Baker discloses all of the limitations of the claimed invention except for the support wheels, a wheel lock, a plurality of support wheels being mounted to the support

Art Unit: 3632

framework under a bias force relative to the support framework such that bias force between the support wheels and the support framework is sufficient to support the support framework when the support framework is not loaded, and the bias force is exceeded by a predetermined weight of a camper placed on the camper support surface of the support framework such that the predetermined weight of the camper is supported by the at least three support legs on a ground surface. Cramer teaches that it is known to have a support comprising a framework (1) having a support surface (10, 12, 11), at least three legs (2 and 3), a wheel lock (25), wheels (14), and the function of the bias force (20) between the wheels and the framework being sufficient to support the framework when the framework is not loaded, and the bias force is exceeded by a predetermined weight of a object placed on the support surface of the framework such that the weight is supported by the three legs on the ground. It would have been obvious to one having ordinary skill in the art to have modified Baker to have included the wheels, wheel locks, and biasing force as taught by Cramer for the purpose of providing a better means of moving the framework underneath the camper. The combination of Baker in view of Cramer inherently teaches the method of claims 32-35 and 38 (see Baker, column 4, lines 34ff and Cramer, column 3, lines 10ff). Baker in view of

Art Unit: 3632

Cramer disclose all of the limitations of the claimed invention except for the bias force being a pneumatic bias force. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a pneumatic bias force, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice since the applicant has not discloses how this element is critical to the invention. *In re Leshin*, 125 USPQ 416.

Response to Arguments

Applicant's arguments filed July 26, 2007 have been fully considered but they are not persuasive.

In response to the applicant argument that merely finding two or more references which purport in combination to contain all the elements; instead the law requires that the primary reference must provide some suggestion, teaching or incentive in the prior art reference expressly or perhaps inherently, to make the combination, this argument is hereby traversed. If a technique has been used to improve one device, and a person of ordinary skill would recognize that it would improve similar devices in the same way, using the technique is obvious unless

Art Unit: 3632

its application is beyond his or her skill. (KSR, 127S.Ct. at 1740, 82USPQ2d at 1396 (2007)). The combination of Baker in view of Cramer would improve similar devices (supports for weighed structures having legs wherein the support is slid along a floor) using the technique of a plurality of support wheels being mounted to the support framework under a bias force relative to the support framework such that bias force between the support wheels and the support framework is sufficient to support the support framework when the support framework is not loaded, and the bias force is exceeded by a predetermined weight of the camper placed on the camper support surface of the support framework such that the predetermined weight of the camper is supported by the at the support legs on a ground surface is obvious and is within the skill of one having ordinary skill in the art.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

Art Unit: 3632

Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is within the general knowledge available to one of ordinary skill in the art and common sense to modify a support to have wheels for the purpose of providing a better means of sliding the framework underneath the camper. Baker clearly states within the specification in column 4, lines 27 that "The support 10 is then immediately slid along the ground 26 in the direction of arrow 19 underneath and aligned with the bottom of the camper 12", which teaches that the support is moved along the ground or a surface to underneath a camper. It is within the general knowledge of one of ordinary skill in the art that camper supports are slide or moved along the ground using wheels (as taught by Peters 5,395,202) as a better means of sliding the support underneath the camper therefore exerting less energy and saving time.

In response to applicant's argument that Cramer is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Cramer is reasonably pertinent to the particular

Art Unit: 3632

problem with which the applicant is concerned and in the field of applicant's endeavor since Cramer does involve a wheeled support and is reasonably pertinent to the particular problem with which the applicant is concerned. Cramer disclose that a support (1) when moved along the floor using wheels is placed in the desired location by the user and the weight of the user is placed thereon, the cup members will **engage the floor to prevent slipping of the support when in use**, and when the weight is removed from the support, the spring tensioned wheels engaging the floor will lift the cup member so that the support is readily movable there over. This problem has been addressed within the prior art of Cramer and is well known in the art of supports which would include ladders, camper supports, or any support used to move the support using wheels therefore being analogous art.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

Art Unit: 3632

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

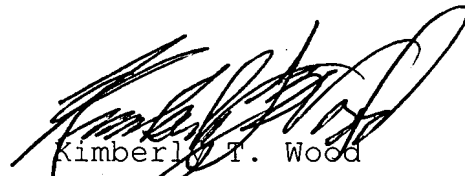
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly T. Wood
Primary Examiner
Art Unit 3632

August 31, 2007